

**REMARKS**

Claims 1-36 are currently pending in this application. In light of the remarks set forth below, reconsideration of claims 1-36 is respectfully requested.

**35 USC §102**

Claims 1-6, 16-24 and 34-36 have been rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 6,151,012 to Bullister. These are essentially the same rejections as were set forth in Paragraph 3 of the previous Office Action, except that the Examiner now relies on FIG. 27 of Bullister to support the rejections. Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631.

The Office Action specifically alleges that Bullister teaches a portable computing device wherein the "first, second and third panels are pivotably engaged to one another along a common edge of said device." See Office Action at Page 3, Lines 3-4. The Examiner relies on FIG. 27 of Bullister to support this assertion. Applicant respectfully asserts that Bullister fails to disclose a common pivot point for all three panels of the claimed device. Keyboard sections 112 and 114 share a common pivot point. Keyboard section 114 and display 410 share a common pivot point. However, keyboard sections 112, 114 and display 410 do not share a common pivot point.

FIG 27 of Bullister is a side view of the device in the collapsed or "closed" position. FIG. 27 shows keyboard sections 112, 114 and display 410. Keyboard sections 112, 114, and display 410 do not share a common pivot point as claimed in present independent claims 1 and 19. To the contrary, keyboard sections 112, 114 and display 410 are pivotably engaged to each other along two separate and distinct pivot points.

If FIG. 27 were to be opened up, the first step would be to lift keyboard section 112 from the top of keyboard section 114 and rotate it 180° into the plane of the drawing sheet along pivot mechanisms 115 (not shown in Fig. 27, See Fig. 1A) and 160 (not shown in Fig. 27, See Fig. 1A) so that it lays flat and adjacent to keyboard section 114.

The second step would be to lift the display 410 from the top of keyboard section 114 along double acting hinges 412 (not shown in FIG. 27, see FIG.10) and 414 and rotate it approximately 90° from right to left so that the display is in its proper viewing position. Col. 8, lines 4-5 of Bullister expressly discloses, "Double acting hinges 412 and 414 allow the display 410 to pivot with respect to keyboard component 114." The top part of double acting hinges 412 and 414 connect to the display 410 while the bottom part of double acting hinges 412 and 414 connect to keyboard section 114 via linking mechanisms 612 and 614 (not shown in Fig. 27, see FIG. 22 for clarity). The double acting hinges 412 and 414 and the linking mechanisms 612 and 614 connect keyboard section 114 to the display 410 only. Thus, when the Bullister computing device is opened, first, keyboard section 112 must be rotated upward (into the plane of the drawing sheet) from keyboard section 114 along pivot mechanisms 115 and 160. See Col. 8, Lines 19-23. Second, the display 410 must be rotated upward (from right to left) from keyboard section 114 along double acting hinges 412 and 414. See Col. 8, Lines 24-27. The display is not connected to keyboard section 112 and cannot be opened from any rotational movement of keyboard section 112, because there is no pivot between keyboard section 112 and display 410. Furthermore, there is no common pivot between keyboard sections 112, 114 and display 410 which would cause display 410 to change its position with any rotational movement between keyboard sections 112 and 114. Linking mechanism 612 and double acting hinge 414 are not common pivot points between keyboard sections 112, 114 and display 410. Figure 13 shows the Bullister device in full opened position. An illustrated copy of FIG. 13 and FIG. 27 has been attached to this response, which show how the device is opened from its collapsed position.

On the other hand, the presently claimed device includes a display (second panel) pivotably engaged to both keyboard sections (first and third panels) along a common edge. In its collapsed position, the claimed device constitutes the display panel being surrounded by the first and third panels on either side of the display (second panel). The claimed device is opened by rotating the panel containing the display screen, panel 12, 90° upward from panel 11 or panel 13 into its viewing position, while panels 11 and 13 are rotated 180° to lie flat and adjacent to each other. (See Fig. 3 of the Application.)

Because all three panels in the presently claimed device are pivotably engaged, opening up the device from the collapsed position would necessitate the opening of the claimed second panel (the display) 90° into the drawing sheet to its viewing position.

Furthermore, pivotally engaging the first, second and third panels along a common edge, allows the device to be used as a communication device with another person on the opposite side of the second panel. Were the first, second, and third panels of the presently claimed device pivotably engaged with two sets of hinges as disclosed in Bullister, it would not be possible for a second person to sit on the opposite side of the display board and fully use the device to communicate with the other user.

Because the separate sets of hinges are needed to create pivots between keyboard sections 114 and 112 and for the display 410 and keyboard section 114 in the Bullister device, Bullister fails to disclose first, second, and third panels pivotably engaged to one another along a common edge. Therefore, Bullister does not anticipate claims 1 and 19. Because claims 2-6 and 16-18 ultimately depend from independent claim 1, and 20-24 and 34-36 ultimately depend from independent claim 19, these claims are also not anticipated by Bullister. Accordingly, Applicant respectfully requests that the 35 USC §102(b) rejection of claims 1-6, 16-24, and 34-36 be withdrawn.

### **35 USC §103**

Claims 7-15 and 25-33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,151,012 to Bullister in view of U.S. Patent No. 5,097,425 to Baker et al. These are essentially the same rejections as were set forth in paragraph 5 of the previous Office Action, except that the Examiner now relies on FIG. 27 of Bullister to support the rejections. Applicant respectfully traverses this rejection.

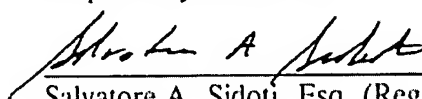
Three criteria must be met to establish a prima facie case of obviousness. First, there must be a suggestion or motivation either in the references themselves or in the knowledge of one of ordinary skill in the art to modify the reference or combine the prior art teachings. Second, there must be a reasonable expectation of success. Finally, the

prior art reference or references when combined must teach all of the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

Combining the sound synthesizer (elements 10 and 14) of the Baker reference with the device of Bullister does not arrive at the presently claimed device. Bullister discloses a computing device that is collapsible via two separate groupings of two separate hinges as described above. The first group of hinges separates the keyboard into two half sides and the second group of hinges connects the display to only one of the two separate keyboard sides. Claim 1 of the presently claimed device recites "...wherein said first, second, and third panels are pivotably engaged to one another along a common edge of said device..." To arrive at the presently claimed device, the Bullister reference would have to disclose a common hinge or pivot for all three panels which would be combined with the sound synthesizer (elements 10 and 14) of Baker. Because combining the Bullister and Baker references fails to teach all of the claim limitations of the presently claimed device, it is requested that the rejection of claims 7-15 and 25-33 under 35 U.S.C. §103(a) be withdrawn.

In view of the remarks set forth above, reconsideration of the application and withdrawal of the 35 USC §102 and §103 rejections is requested. The issuance of a Formal Notice of Allowance is further requested for claims 1-36. Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

Respectfully Submitted,



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